

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

Sentencing Minute Sheet for the Honorable Gary A. Fenner

UNITED STATES OF AMERICA

vs.

CHARLES A. CACIOPPO, JR.

Case No: 03-00360-01-CR-W-GAF

Date: 12/01/04

Defendant No: 01

Plaintiff Counsel
Paul Becker, AUSA

Defendant Counsel
Robin Fowler

Time Commenced: 1:36 pm.

Time Terminated: 2:22 p.m.

X There are unresolved issues regarding the P.S.I. and the Guideline Range to be discussed with the Court:
Defendant's objection do not effect the guideline range. Court notes Defendant's objections for the record.
Government objects the loss calculation, to Defendant not receiving an enhancement as organizer and to Defendant being granted a reduction for acceptance of responsibility. Court finds the loss amount to be \$49,500.00 and the Government's objection the loss amount calculation sustained. Court orally denies Government's remaining objection.

Total Offense Level: 15 Criminal History Category: I Imprisonment Range 15 to 21. Special Assessment: 1,900. Supervised Release Range: 2 to 3. Fine Range 4,000 to 40,000. Restitution \$49,500.00.

The Defendant is sentenced to Count(s) 1-5, 7-11, 13-17, 19, 21-23.

INCARCERATION:

- X The Court hereby orders the defendant to serve the following term of incarceration with the FBP. 20 Months.
X Count(s) to run CONCURRENTLY.
X Defendant is allowed to surrender on 1/3/05 before 2:00 p.m.

SUPERVISED RELEASE:

- X The Court hereby orders the defendant to the following term of Supervised Release.
3 Years.

SPECIAL CONDITIONS OF SUPERVISED RELEASE:

- X The following special conditions of Supervised Release are:
1. The defendant shall pay any restitution balance during the first **30 months** of supervision on the schedule set by the Court.
 2. The defendant shall not consume or possess alcoholic beverages or beer, including 3.2 percent beer, at any time.
 3. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon

reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

4. The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the Probation Office, while court-ordered financial obligations are outstanding.
5. The defendant shall provide the Probation Officer access to any requested financial information, while court-ordered financial obligations are outstanding.

FINE:

X Fine Waived.

RESTITUTION:

X The Court imposes the following Restitution: \$49,500.00

SPECIAL ASSESSMENT:

X The Court imposes the following Special Assessment: 1,900.00

RECOMMENDATIONS:

X The Court makes the following recommendations to the FBP:
Defendant be designated as close to Kansas City, Missouri as possible.

X The Court advises the Defendant he has 10 days to appeal.

Court Reporter: Libby Shinn

Tracy Diefenbach, Courtroom Deputy